

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LEILA MAPEL,

Plaintiff,

-v-

REGIS CORPORATION d/b/a JEAN LOUIS
DAVID,

Defendant.
-----X

No. 12 Civ. 6863 (RA)

ORDER ADOPTING REPORT AND
RECOMMENDATION

RONNIE ABRAMS, United States District Judge:

On October 25, 2013, Defendant filed a motion to enforce a settlement agreement purportedly entered into with Plaintiff Leila Mapel¹ during a court-ordered mediation session held on May 23, 2013. On January 28, 2014, Magistrate Judge Francis, to whom this matter was referred for disposition of Defendant's motion, issued a Report and Recommendation ("Report") recommending that the Court grant Defendant's motion to enforce the settlement agreement and direct Defendant "to place the settlement amount in escrow, to be distributed to the plaintiff within two weeks of the date on which she provides the defendant with a signed release of her claims against the company." (Report 6.) Neither party has filed objections to the Report.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by [a] magistrate judge." 28 U.S.C. § 636(b)(1). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

¹ Plaintiff was represented by pro bono counsel from Seton Hall Law School's Conflict Management Program solely for purposes of the mediation. (Dkts. 13-14.) She presently represents herself *pro se*.

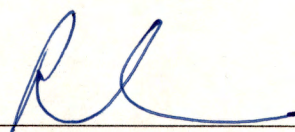
As no objections have been filed, the Court has reviewed Judge Francis' thorough and well-reasoned Report for clear error and finds that there is none on the face of the record. Accordingly, Defendant's motion to enforce the settlement agreement is granted. Defendant shall place the settlement amount in escrow, to be distributed to Plaintiff within two weeks of the date on which she provides Defendant with a signed release of her claims against Defendant.

As Judge Francis warned, the parties' failure to file written objections to the Report precludes appellate review of this decision. See DeLeon v. Strack, 234 F.3d 84, 86 (2d Cir. 2000) ("[I]t has become clear in this circuit that a party generally waives judicial review of an issue when he or she fails to make timely objection to a magistrate judge's report, as long as all parties receive clear notice of the consequences of their failure to object.") (citing Small v. Sec'y of Health and Human Servs., 892 F.2d 15, 16 (2d Cir.1989)). Pursuant to 28 U.S.C. § 1915(a)(3), the Court further finds that any appeal of this Order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is respectfully directed to close item number thirty-one (31) on the docket and close the case.

SO ORDERED.

Dated: May 19, 2014
New York, New York



Ronnie Abrams
United States District Judge